



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Edwards et al.

Serial No: 09/965,654

Filed: September 27, 2001

For: *Protein Data Analysis*

Attorney Docket No.: IPT-002.02

Art Unit: 1631

Examiner: Borin, Michael

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

November 4, 2004
Date of Signature and Mail Deposit

By: Shirine Darvish
Shirine Darvish

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Examiner Borin:

In response to the outstanding Restriction Requirement of March 22, 2004, Applicants provisionally elect, with traverse, Group I (claims 1-22). However, it is respectfully submitted that examination of all claims simultaneously would place no undue burden on the Examiner. The Applicants respectfully point out that examination of the claims of Group II (claims 23-31) necessarily entail a search of the subject matter of Group I, and therefore submit that the examination of Groups I and II together present no significant burden over the examination of Group I alone.

For a restriction requirement to be valid, the Examiner must establish that the search and examination of the entire application cannot be made without serious burden (M.P.E.P § 803). Accordingly, Applicants respectfully request examination of all claims simultaneously.

Further, the Applicants, with traverse, respectfully elect the following species as required by 35 U.S.C. § 121: (A) the "type of outcome" as set forth in claim 2 (i.e., protein crystallization)

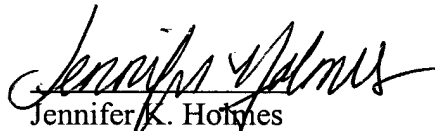
and (B) the "type of characteristics" as set forth in claim 14 (i.e., determined). Applicants provisionally submit that claims 1-22 read, at least in part, on the species elected. The Applicants expressly reserve the right to prosecute species not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of any allowed generic claims.

Any questions raised by this submission may be directed to the undersigned at (617) 832-1770. A petition Revival of Abandoned Application under 37 C.F.R. §1.137(b) and appropriate fee under 37 C.F.R. §1.137(b)(2) and 1.17(m) are submitted concurrently herewith. The Commissioner is hereby authorized to charge any underpayments, or credit any overpayments, to our **Deposit Account No. 06-1448; Reference IPT-002.02.**

Respectfully submitted,
FOLEY HOAG

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November 4, 2004
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